

# United States District Court

for

## Middle District of Alabama

### Petition for Warrant/Summons and Report for Defendant Under Pretrial Release Supervision

Name of Defendant: Kenneth F. Gunn

Case Number: 2:06cr217-WKW

Name of Releasing Judicial Officer: The Honorable Vanzetta Penn McPherson

Date of Release: 9/25/06

Original Offense: 18 USC Section 659, Interstate or Foreign Shipment by Carrier

Type of Release: \$25,000 Unsecured Appearance Bond

Assistant U.S. Attorney: Verne Speirs

Defense Attorney: Jennifer Hart

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### PETITIONING THE COURT

- ☐ To issue a warrant  
☒ To issue a summons

The probation officer believes that the defendant has violated the following condition(s) of release:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Release Condition 7(p): "The defendant shall refrain from any use or unlawful possession of narcotic drug and other controlled substances..."	On 12/22/06, the defendant admitted to having used cocaine on or about 12/19/06. The defendant signed an admission form stating the same.

Response to Prior Supervision and Action taken by U.S. Probation Officer to bring the defendant into compliance:

Following the defendant's initial appearance, he was placed on the code-a-phone drug testing system on 9/26/06. It was also on this date that the defendant denied the need for substance abuse treatment. On 10/30/06, the defendant submitted a urine sample which yielded presumptive positive results for cocaine. The defendant initially denied having used cocaine, however, subsequent to lab confirmation, an admission was made. The defendant's frequency of drug testing was increased following the admission. Again, the defendant denied the need for substance abuse treatment at that time.

On 12/22/06, prior to the defendant's scheduled change of plea, he admitted to having used cocaine as outlined in the petition. He further admitted to being purposely evasive by failing to respond to the supervising officer's phone calls in an attempt to avoid drug testing. Following the 12/22/06 change of plea hearing, the defendant was referred to the Chemical Addiction Program for a substance abuse assessment. On 12/27/06, the defendant's attorney, Jennifer Hart, informed that an assessment has been scheduled for 1/04/07 at the Chemical Addictions Program.

On 12/28/06, the defendant reported to the U.S. Probation Office and submitted a urine sample which yielded presumptive positive results for cocaine. The defendant denied having used cocaine since 12/19/06. The sample was forwarded to Scientific Testing Laboratories for confirmation.

U.S. Probation Officer Recommendation:

- ☐ The defendant's release should be  
☒ revoked and defendant detained.
- ☐ The conditions of release should be modified as follows:

Respectfully submitted,

by /s/ Jason M. Dillon

Jason M. Dillon  
U.S. Probation Officer  
Date: December 28, 2006

Reviewed and approved: /s/ Sandra G. Wood  
Supervisory U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No Action  
☐ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other

\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date